

The Hon. Ricardo S. Martinez
Noted on Motion Calendar: 2/15/2008

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICROSOFT CORPORATION, a
Washington corporation,

Plaintiff,

V

IMMERSION CORPORATION, a
Delaware corporation.

Defendant.

No. CV7-936RSM

**DECLARATION OF BLAKE
MARKS-DIAS IN SUPPORT OF
MICROSOFT'S MOTION TO
COMPEL RESPONSES TO
REQUESTS FOR PRODUCTION
NOS. 3 AND 19**

**EXHIBITS 2, 3, 4, 5,6 & 7 FILED
UNDER SEAL**

Blake Marks-Dias declares as follows:

1. I am one of the attorneys for Plaintiff Microsoft Corporation in the above-captioned action. I am over the age of 18, competent to testify, and make this declaration based upon personal knowledge.

2. Attached as Exhibit 1 is a true and correct copy of the Complaint for Patent Infringement filed by Immersion Corporation on February 11, 2002 in the United States District Court, Northern District of California.

3. Attached as Exhibit 2 is a true and correct copy of the Sublicense Agreement between Microsoft and Immersion dated July 25, 2003.

DECL. OF BLAKE MARKS-DIAS IN SUPPORT OF MICROSOFT'S
MOTION TO COMPEL RESPONSES (No. CV7-936RSM) - 1
4814-2563-9682.01
20363.00411

Riddell Williams P.S.
1001 FOURTH AVENUE
SUITE 4500
SEATTLE, WA 98154-1192
206 624 3600

1 4. Attached as Exhibit 3 is a true and correct copy of the Agreement
2 between Sony and Immersion dated March 1, 2007.

3 5. Attached as Exhibit 4 is a true and correct copy of excerpts of the
4 Deposition of Jennifer Liu taken on December 20, 2007.

5 6. Attached as Exhibit 5 is a true and correct copy of Immersion's
6 Settlement Communication dated December 13, 2006.

7 7. Attached as Exhibit 6 is a true and correct copy of Sony's Settlement
8 Proposal dated January 30, 2007.

9 8. On September 11, 2007, Microsoft issued its first set of
10 Interrogatories and Requests for Production to Immersion.

11 9. Attached as Exhibit 7 is a true and correct copy of Immersion
12 Corporation's Responses to Microsoft Corporation's First Set of Interrogatories
13 and Requests for Production of Documents dated October 11, 2007.

14 10. On January 22, 2008, the parties conducted a telephonic conference
15 pursuant to Fed. R. Civ. P. 37. I hereby certify that the parties conferred in good
16 faith and were unable to agree about the need for Immersion to respond to
17 Request for Production Nos. 3 and 19.

18 11. Attached as Exhibit 8 is a true and correct copy of a letter from
19 Alan J. Heinrich to Blake Marks-Dias dated January 28, 2008.

20 I declare under penalty of perjury under the laws of the State of
21 Washington that the foregoing is true and correct.

22 EXECUTED on January 31, 2008, at Seattle, Washington.

23
24 
25

26 Blake Marks-Dias

CERTIFICATE OF SERVICE

The undersigned certifies that on the 31st day of January, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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A copy of this document has also been served via U.S. Mail and email on the following counsel who have filed applications to appear Pro Hac Vice in this matter:

Richard M. Birnholz
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Executed at Seattle, Washington this 31st day of January, 2008.

Dona B. L.

Donna Hammonds
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